

RULES and REGULATIONS GOVERNING THE CONDITIONS OF PROBATION, PAROLE, AND CONDITIONAL RELEASE FOR SEX OFFENDERS

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This booklet has been created to address issues specifically related to sex offender supervision by the Board of Probation and Parole.

PREFACE

**To: THE OFFENDERS OF THE MISSOURI DEPARTMENT OF CORRECTIONS
RELEASED ON PAROLE OR CONDITIONAL RELEASE AND ANY OTHER
PERSONS PLACED UNDER THE SUPERVISION OF THE BOARD OF PROBATION
AND PAROLE REQUIRED BY STATUTE OR ORDERED TO BE SUPERVISED AS A
SEX OFFENDER.**

This booklet is provided to help you understand the conditions of your supervision as issued by the Missouri Board of Probation and Parole or the Sentencing Court or conditions which must be followed pursuant to the Interstate Compact Agreement. The specific conditions of your supervision may be amended or deleted or additional conditions added at the discretion of the Parole Board or your sentencing court. We have tried to clearly define the conditions and the reasons that these conditions are imposed.

BY WHAT AUTHORITY DOES THE BOARD OR THE COURT DETERMINE CONDITIONS OF PAROLE AND PROBATION OR CONDITIONAL RELEASE?

The Board has the authority to determine conditions of parole under Sections 217.690 (3) RSMo: "The Board shall adopt rules not inconsistent with law, in accordance with Section 217.040, with respect to the eligibility of inmates for parole, the conduct of parole hearings or conditions to be imposed upon parole offenders. Whenever an order for parole is issued it shall recite the conditions of such parole."

"Conditional release" means the conditional discharge of an offender by the Board of Probation and Parole subject to conditions of release that the Board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state Board of Probation and Parole. The Board of Probation and Parole is entrusted with this authority under Section 558.011 RSMo.

Both the Board and Court have the authority to determine conditions of supervision.

Section 559.021 (1) RSMo. reads: "The conditions of probation shall be such as the Court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released."

THE FOLLOWING ARE THE CONDITIONS OF PROBATION, PAROLE OR CONDITIONAL RELEASE:

1. LAWS: I will obey all federal and state laws, municipal and county ordinances. I will report all arrests to my probation and parole officer within 48 hours.

Everyone is expected to obey all laws. If you are arrested at any time for any reason, you must report this arrest to your probation and parole officer within 48 hours.

Laws specific to sexual offenders that may affect your supervision include:

Definitions:

- **RSMo. 556.061** – identifies which sexual offenses are Dangerous Felony offenses.
- **RSMo. 558.018** – defines sexual predator or persistent sexual offender.

DNA/Fingerprinting:

- **RSMo. 650.055** – requires anyone who pleads or is found guilty of any offense under chapter 566, RSMo, or has been determined to be a sexually violent predator, or is required to register as a sexual offender to be fingerprinted and have a DNA profiling analysis.

Internet Usage

- **RSMo. 589.042** – provides Probation and Parole the authority to require a sexual offender who is required to register to give the assigned probation and parole officer access to the offender's personal home computer in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing a sexual offense.

Registration:

- **RSMo 43.533** – requires the Missouri Highway Patrol to operate a toll-free telephone number in order to disseminate information on registered sexual offenders.
- **RSMo 43.650** – requires the Missouri Highway Patrol to maintain a web page on the Internet, open to the public, which includes registered sexual offender search capability.
- **RSMo. 589.400** – identifies sexual offenders who are required to register with the chief local law enforcement official in their county of residence.

- **RSMo. 589.402** – authorizes the chief law enforcement officer of the county or city not within a county to maintain a web page on the Internet, open to the public, which includes a registered sexual offender search capability.
- **RSMo. 589.407** – outlines required information to be obtained on the registration form developed by the Mo. State Highway Patrol.
- **RSMo. 589.414** – outlines requirements regarding change of name, residence, employment or student status for sexual offenders who are mandated to register.
- **RSMo. 589.425** – establishes penalties for failure to register as required.

Residency:

- **RSMo. 566.147** – restricts certain sexual offenders from residing within 1000 feet of a school or child-care facility.

Sentencing:

- **RSMo. 217.735/RSMo. 559.106** - outlines which sexual offenders are mandated for lifetime supervision with electronic monitoring based upon global position system or other similar technology. These statutes also outline the conditions under which the Board/Court may terminate the lifetime supervision.
- **RSMo. 559.100** – identifies which sexual offenses are prohibited from receiving probation.

Supervision Restrictions:

- **RSMo. 566.148** – restricts certain sexual offenders from being physically present or loitering within 500 feet of a child care facility building, or the real property comprising any child care facility when persons under the age of 18 are present, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.
- **RSMo. 566.149** – restricts certain sexual offenders from being present or loitering within 500 feet of a school building, property or school conveyances, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2.
- **RSMo. 566.150** – restricts certain sexual offenders from being present or loitering within 500 feet of a public park with playground equipment or public swimming pool.
- **RSMo. 566.155** – prohibits certain sexual offenders from serving as athletic coaches, managers, or trainers for any sports team in which a child less than 17 is a member.

- **RSMo. 589.426** – restricts certain sexual offender’s activities on October 31st each year regarding Halloween.

Treatment:

- **RSMo. 566.140 and 566.141** - requires certain identified sexual offenders to participate in an appropriate treatment program.

2. TRAVEL: I will obtain advance permission from my probation and parole officer before leaving the state or the area in which I am living.

Your probation and parole officer must always know where you are. It will be your probation and parole officer who will determine the area in which you will be allowed to travel. There may be times when you will be living in one community and working in another. When this does occur, the probation and parole officer usually limits your area of travel to these two communities. There may be other exceptions from time to time which should be discussed with your Officer. When the request is reasonable, the officer may allow you to travel based on a written travel permit for each occasion or without getting his/her permission each time.

Counties or areas in which you are allowed to travel without prior permission should be addressed with your officer.

If you travel outside the State of Missouri, there are certain regulations and requirements that you must follow. All travel outside the State of Missouri must be approved by your probation and parole officer. If approved, a written travel permit must be issued to you by your probation and parole officer. Since there is a certain amount of paperwork involved in preparing these travel permits, you are required to discuss your travels with your probation and parole officer in advance to allow time for the proper paperwork to be prepared. Sex Offenders and Dangerous Felons are required to request permission to travel at least 30 days prior to travel. Travel permits for travel outside the State of Missouri may be issued on short notice only in case of emergency, such as serious illness or death in the family. No travel permit shall exceed 30 days in length except for employment.

The following will be taken into consideration by your probation and parole officer prior to issuing you a travel permit:

- ☐ Your probation and parole officer will verify the destination and ensure the travel destination is aware of your sex offense conviction and supervision restrictions.
- ☐ Your probation and parole officer will consult with your therapist and employer to determine your stability as well as to limit risk.
- ☐ Travel will generally not be approved if you are in violation of your probation or parole
- ☐ Your probation and parole officer will consult and agree on travel approval. If you are displaying high risk behaviors, you will not be allowed to travel.
- ☐ Travel should not interfere with your attendance at treatment.

- ☐ When possible, an approved sponsor should travel with you.
- ☐ Your travel permit will clearly indicate that you have a sex offense conviction.
- ☐ You will be required to contact local law enforcement upon arrival and have a contact person sign your travel permit.
- ☐ If required, you will register in the jurisdiction to which you are traveling.

If you are required to register and you travel into another state more than 14 days in a 12 month period of time (which does not have to be consecutive) you shall be required to report in person and register with the chief local law enforcement official in the area of the state where you will be traveling.

Canada does not allow offenders to enter and travel in their country. Offenders must get permission to travel outside of the continental United States from the Parole Board and/or the Court if you are on probation.

3. RESIDENCY: I will obtain advance permission from my probation and parole officer before making any change in residency.

Residency is defined as the location where you sleep every night and spend most of your time. It is not just a mailing address, somewhere you keep some property or where you get messages. You must have advance permission from your officer before spending the night away from your residence.

Since your probation and parole officer is at all times responsible for knowing your place of residence, it is required that you obtain advance permission before making any change in residency. Your probation and parole officer has the authority to approve or disapprove your home plan. All home plans shall be approved prior to occupancy. In the event of an emergency and you lose your place of residence, you must notify your probation and parole officer within 48 hours. Your probation and parole officer will be making periodic home visits. This condition is an effort to keep you and your probation and parole officer in close contact with each other.

You must advise your probation and parole officer of the names, dates of birth and gender of all persons residing at your residency. All adult members of the household must be advised of your sex offense criminal conviction.

566.147. 1. Any person who, since August 28, 2004, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section

573.040, RSMo, furnishing pornographic material to minors; shall not reside within one thousand feet of any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, or childcare facility as defined in section 210.201, RSMo, which is in existence at the time the individual begins to reside at the location.

For the purposes of this section, “resides” means sleeps in a residence, which may include more than one location and may be mobile or transitory.

If a sex offender has already established a residence and a public school, private school or child care facility is subsequently built or placed within one thousand feet of such person’s residence, then such person shall, within one week of the opening of such public school, private school or child care facility, notify the county sheriff, where such public school, private school or child care facility is located, that he or she is now residing within one thousand feet of such public school, private school or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school or child care facility, as defined in 210.201 RSMo.

As defined by 566.150 RSMo., no sex offender, or individual who has pled guilty or been convicted of, or been found guilty of violating any provisions of Chapter 566, subsection 2 of 568.020; 568.045; subsection 2 of 568.080; 568.090; 573.023; 573.025; or 573.040 or any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section, after August 28, 2009 shall not knowingly be present in or loiter within five hundred feet of any real property, comprising any public park with playground equipment or a public swimming pool. This restriction applies to residency after the effective date of the legislation.

Refusal to comply with 566.147 RSMo and/or 556.150 RSMo is considered a violation of supervision.

4. EMPLOYMENT: I will maintain employment unless engaged in a specific program approved by my Probation and Parole Officer. I will obtain advance permission from my probation and parole officer before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify my probation and parole officer within 48 hours.

You may be required to notify your employer that you are a convicted sex offender. You may also be restricted from holding certain jobs due to the nature of your sex offense conviction.

Changing or quitting a job is always a major decision in anyone's life. It is a decision that you need to discuss with your probation and parole officer before finally deciding what to do. Your probation and parole officer can point out the advantages and disadvantages of making the job change. There are many times when a decision of this kind is made on the spur of the moment and without too much thought. One of the main purposes of this rule, therefore, is to help you avoid making a decision which you may well regret later by not being able to find another job quickly.

All employment must be pre-approved. You are expected to support yourself and your family and pay your debts. It is an expectation that these obligations are met. This is no different for a person under supervision than it is for any other citizen. We have found over the years that involvement in criminal behavior and unemployment are closely related. During your supervision period, you will be expected to maintain employment. The only exception to this obligation will be your involvement in a specific program approved by the Board, Sentencing Court or your probation and parole officer that is related to your self-improvement.

Prior to quitting or changing a job or program you must have advance permission from your probation and parole officer. In the event that you would be fired from a job or terminated from a program, you have the obligation to notify your probation and parole officer within 48 hours. Additionally, any change in your job or program status should be reported to your probation and parole officer. That includes job layoffs or a program being placed on hold or other reason where attendance at the job or program is suspended for any period of time.

If you are required to register as a sexual offender, your place of employment will be listed on both the county and Missouri State Highway Patrol website for registered sexual offenders. Changes in employment must be reported to the local registering authority within 3 business days of the change.

5. ASSOCIATION: I will obtain advance permission from my probation and parole officer before I associate with any person convicted of a felony or misdemeanor, or with anyone currently under the supervision of the Division of Probation and Parole. It is my responsibility to know with whom I am associating.

As you review your past life and think about how you got involved in difficulty with the law, many times you will have to admit that your association with some other person who previously had legal difficulty, played a role in your situation. This condition is to help you avoid this mistake in the future. It will be your responsibility to know with whom you associate. We would caution you to select your friends and associates wisely.

Naturally, there will be times when your work and place of residency will place you in contact with persons who have been convicted of felonies and misdemeanors or with persons who are currently under the supervision of the Board of Probation and Parole. The mere fact that you live in the same dwelling or work in the same place of employment does not mean that you have to associate after working hours or outside the place of residence. If, because of place of residency or employment, you find yourself in association with someone as defined above, discuss the situation with your probation and parole officer. You need advance permission from your probation and parole officer before associating with these individuals.

You may encounter other offenders when participating in a treatment program. Any association outside the treatment program must be specifically approved by your probation and parole officer. This includes transportation to and from programs.

As a sex offender, you are prohibited from having contact with the victim, or the victim's family, directly, indirectly, or through a third party unless otherwise approved by the Court or Parole Board.

You will have no contact with any person age 16 or under, or any incapacitated person without the prior approval of your **probation and parole officer in consultation with your treatment team.**

If your illegal conduct involved a person 16 years of age or under, you will avoid parks, schools, daycare centers, toy stores, pools, carnivals, and other places where children are known to frequent, unless you have prior approval from your officer or approval given under RSMo 566.149.

As defined by 566.148 RSMo, any person convicted under RSMo 566, or of incest, subsection 2; of endangering the welfare of a child in the first degree, subsection 2 of use of a child in a sexual performance, promoting a sexual performance by a child, sexual exploitation of a minor, promoting child pornography in the first degree, possession of child pornography or furnishing pornographic material to minors shall not be physically present or loiter within five hundred feet of or approach, contact or communicate with any child younger than 18 in any child care facility building, on the real property comprising any child care facility when children under the age of 18 are present in the building, on the grounds, or in the conveyance, unless the offender is the parent, guardian or custodian of the child in the building or on the grounds.

As defined by 566.149 RSMo, any person convicted under RSMo 566, or of the offenses of incest, endangering the welfare of a child in the first degree subsection 2, use of a child in a sexual performance, promoting a sexual performance by a child, sexual exploitation of a minor, promoting child pornography, or furnishing pornographic material or minors, shall not be present in or loiter within 500 feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has permission to be present from the superintendent or school board or in the case of a private school from the principal. Permission may be granted for more than one event at a time, however, the parent, legal guardian, or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

As defined in 566.155 RSMo, any person who has been convicted under RSMo 566, or of incest, subsection 2 of endangering the welfare of a child in the first degree, subsection 2 of use of a child in a sexual performance, promoting a sexual performance by a child, sexual exploitation of a minor, promoting child pornography, or furnishing pornographic material to minors, shall not serve as an athletic coach, manager or trainer for any sports team in which a child younger than 17 is a member.

As defined by 589.426 RSMo, all persons required to register as a sex offender or supervised as a sex offender as a result of having been convicted of, found guilty of, or having pled guilty or nolo contendere to an registerable offense after August 28, 2008 are restricted during Halloween and are required to avoid all Halloween related contact with children; remain inside his/her residence between 5:00 pm and 10:30 pm, unless required to be elsewhere for just cause, including but not limited to employment or medical emergencies; post an agency provided sign on the front door of their residence, or in a similarly visible location stating, "No candy or treats at this residence"; and leave all outside residential lighting off during evening hours after 5:00 pm.

6. DRUGS: I will not have in my possession or use any controlled substance except as prescribed for me by a licensed medical practitioner.

Use of any controlled substance, unless prescribed by a physician, is illegal. Therefore, the use or possession of such drugs is not only a violation of your probation and parole conditions but is also a violation of the law. Your probation and parole officer reserves the right to contact your physician regarding your use of prescribed drugs.

As a part of your supervision, you will be expected to undergo urinalysis or other types of drug testing on a random basis. If drugs are detected, this will also constitute a violation of your supervision.

Failure to produce a urine specimen within the required time period or to follow other directives related to drug testing will result in a violation of your supervision for failure to follow a directive of your probation and parole officer. Attempting or actual adulteration, substitution, or dilution of a urine specimen will also constitute a violation of your supervision for failure to follow a directive of your probation and parole officer.

7. WEAPONS: I will not own, possess, purchase, receive, sell, or transport any firearms, ammunition or explosive device, or any dangerous weapon if I am on probation or parole for a felony charge or a misdemeanor involving firearms or explosives, or it is in violation of federal, state or municipal laws or ordinances.

Weapons, as defined by 571.010 RSMo., include firearms, gas guns, spring guns, explosive weapons, knives (other than ordinary pocket knives with less than 4 inch length blades), switchblade knives, projectile weapons, blackjacks and brass knuckles.

Federal law makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms. These categories include any person who:

1. is under indictment for a crime punishable by imprisonment for a term exceeding one year;
2. is convicted of a crime punishable by imprisonment for a term exceeding one year;
3. is a fugitive from justice;
4. is an unlawful user of or addicted to any controlled substance;
5. is an illegal alien;
6. has been discharged from the military under dishonorable conditions;
7. has renounced his or her United States citizenship;
8. is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or

9. has been convicted of a misdemeanor crime of domestic violence.

If you are a misdemeanor offender and are excluded from this condition, the Court may invoke this condition as a special condition of your probation or parole if it is felt that it is pertinent to your success under supervision. This condition does apply to any individual who has been convicted of a misdemeanor that relates to or involves firearms or explosives and to all individuals who are on probation or parole as a result of a felony.

When your period of supervision is completed, the restrictions regarding firearms may continue. At the time of your discharge from probation or parole, you should contact the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, concerning the restrictions placed upon you regarding your possession and use of firearms and how to obtain relief.

8. REPORTING/DIRECTIVES: I will report as directed to my Probation and Parole Officer. I will abide by any directives given me by my Probation and Parole Officer.

Your probation and parole officer may have you report in a number of different ways and/or to various locations. You may be instructed to come to the Probation and Parole Office or another site such as a courthouse or another office building. You also may be asked to send in a monthly supervision report form or call at a designated time. As part of your reporting, the officer may require that you submit documents such as check stubs, receipts for restitution or court costs and income tax forms. All of these documents may be helpful to your officer in planning with you towards a successful supervision period. If you try to contact your probation and parole officer by telephone and he/she is not in at the time you call, you must identify yourself to someone in the office or leave a voice message as to why you are calling. The probation and parole officer can then get in touch with you as soon as he/she is able to do so. Telephone contact or a voice message is not considered an office visit. It is your responsibility to maintain contact with your probation and parole officer.

Your officer from time to time may give you special directives that will relate to you as an individual. These are in addition to your conditions of probation, parole or conditional release and are important to help you successfully complete your period of supervision. Failure to follow directives is a violation of your supervision.

As a sex offender, you will be required to report at a minimum, monthly, to your supervising officer.

You will not possess or access pornographic material which may include, but is not limited to, pornography on any electronic media, sexually explicit computer generated images, digital explicit images, adult bookstores, and adult theaters.

If you have internet access in your home, your internet access may be monitored in order to ensure compliance with sex offender conditions and laws.

Additional directives may be added to address specific needs.

9. SUPERVISION STRATEGY: I will enter and successfully complete any

supervision strategy and abide by all rules and program requirements, as directed by the Court, Board or my supervising probation and parole officer.

The Department of Corrections has developed a continuum of supervision strategies. These strategies include but are not limited to three different levels of supervision, electronic monitoring, day reporting, residential facilities, community release centers, community supervision centers and institutional treatment centers. Your needs and risk to the community will be assessed regularly during your supervision period to determine the program or level of supervision that is best for you. Each strategy has its own rules and program requirements. You are responsible for completing any supervision strategy to which you may be assigned and for abiding by all rules and program requirements pertaining to that supervision strategy.

An offender whose current supervision is not the result of a conviction for a sex offense may be ordered by the Court or Parole Board to be designated as a Sex Offender and will thereafter be supervised as a sex offender.

All sex offenders and designated sex offenders will be required to sign the Sex Offender Supervision Agreement and abide by its terms which include treatment and other behavioral restrictions.

All sex offenders and designated sex offenders will participate in and successfully complete a sex offender treatment program approved by the supervising probation and parole officer. The cost of treatment is to be paid by the offender.

The sex offender/designated sex offender will, at their own expense, submit to assessment and treatment procedures required by the therapist, which includes but is not limited to polygraph testing.

If you have pled guilty or been found guilty of an offense requiring lifetime supervision pursuant to 217.725 or 559.106 RSMo, you will be electronically monitored based upon a global positioning system or similar technology that identifies and records your location at all times for the remainder of your natural life or until you reach the age of 65 or older and the Board or Court determines to discharge you from supervision).

You will comply with all registration requirements that apply.

POLYGRAPH EXAMINATIONS

As part of your supervision as a sex offender, you will be required to submit to polygraph examinations. Polygraph examinations are given to help design and monitor compliance with treatment plans and supervision conditions for the public's safety and the protection of victims.

A sexual history examination shall be scheduled within 30 days and should be completed within four months of your being placed under supervision of the Missouri Board of Probation & Parole. You will submit to annual maintenance examinations. The expense incurred for these examinations will be your responsibility. There may be times when your officer or therapist will require you to submit to polygraph examinations in addition to the minimum requirements.

Any comments you make during the polygraph examination may be investigated and used as evidence as a possible violation of your probation or parole. Any statements you make may cause an investigation to be made of your conduct. Should an investigation disclose independent evidence of your involvement in a crime, you could be charged and prosecuted for that crime.

Your officer will review the results of your polygraph examination with you and will advise you of any and all actions which will be taken as a result of the polygraph examination.

An indication of deception on the polygraph examination is not a violation of your supervision. However, a deceptive polygraph, noncompliance with treatment and/or supervision conditions or high risk behaviors may result in an increased level of supervision, curfew restrictions, geographic restrictions, increased reporting, electronic monitoring or more intensive treatment.

You should have adequate rest prior to the polygraph examination, have a normal intake of food, and be drug/alcohol free. Any medication legitimately prescribed for you should be taken as directed by your doctor.

10. INTERVENTION FEE: I shall pay a monthly intervention fee in an amount set by the Missouri Department of Corrections pursuant to RSMo 217.690. This payment shall be due and payable on the first day of the first month following placement on probation, parole, or conditional release.

On August 28, 2005 House Bill 700 was passed granting the Board of Probation and Parole authority to collect an intervention fee from offenders. The fees will be used to support services for offenders under the Agency's jurisdiction, as well as address the public expectation that offenders help offset the costs of intervention services to the State.

Failure to pay intervention fees may result in sanctions including, but not limited to written reprimand, travel restrictions, Court hearing or review, community service, increased level of supervision or shock detention.

For information regarding the payment method, contact your probation or parole officer.

11. SPECIAL CONDITIONS: Both the Board of Probation and Parole and the Court that has placed you on probation have the authority to determine special conditions of your probation or parole supervision period as stated in the preface of this booklet. Depending on the circumstances of your situation, special conditions may include such things as prohibiting you from consuming alcoholic beverages, requiring you to complete a treatment program, or requiring you to be involved in an educational-vocational training program. Special conditions may also set out certain restrictions. They are frequently used for setting court costs, fines and restitution. The Court may require as a condition of probation that you submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation. This detention may be at one time or at different periods during your probation.

These are examples of special conditions that may be imposed and they certainly are not limited to the above list. Remember that they are as important as any of the

preceding nine conditions and failure to abide by any special conditions stated on your order will be considered a violation of your probation, parole or conditional release.

As statutes change, you are expected to comply with their requirements.

ADDITIONAL STATE STATUTES THAT MAY AFFECT YOUR SUPERVISION:

TAMPERING WITH A JUDICIAL OFFICER

According to 565.084 RSMo:

1. A person commits the crime of Tampering with a Judicial Officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, he:

- 1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- 2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- 3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- 4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family including stalking pursuant to section 565.225 RSMo.

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile court commissioner, state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:

- 1) His spouse; or
- 2) His or his spouse's ancestor or descendant by blood or adoption; or
- 3) His stepchild, while the marriage creating that relationship exists.

4. Tampering with a Judicial Officer is a class C felony.

ASSAULT ON A LAW ENFORCEMENT OFFICER

According to 565.081 RSMo:

A person commits the crime of assault of a probation and parole officer in the first degree, a Class A Felony, if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a probation and parole officer.

According to 565.082 RSMo:

A person commits the crime of assault of a probation and parole officer in the second degree, a Class B Felony or a Class C Felony, if such person knowingly causes or attempts to cause physical injury to a probation and parole officer by means of a deadly weapon or dangerous instrument; by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; while in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury; acts with criminal negligence to cause physical injury by means of a deadly weapon or dangerous instrument; purposely or recklessly places a probation and parole officer in apprehension of immediate serious physical injury; acts with criminal negligence to create a substantial risk of death or serious physical injury.

According to 565.083 RSMo:

A person commits the crime of assault on a probation and parole officer in the third degree, a Class A Misdemeanor, if such person recklessly causes physical injury; purposely places a probation and parole officer in apprehension of immediate physical injury; knowingly causes or attempts to cause physical contact without consent.

TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT

According to 575.205 RSMo:

A person commits the crime of tampering with electronic monitoring equipment if the person intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court or the board of probation and parole has required such person to wear. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment. The crime of tampering with electronic monitoring equipment is a class C felony.

FELONY REGISTRATION

According to 217.695 RSMo:

Each offender to be released from custody of the Department of Corrections who will be under the supervision of the Board of Probation and Parole, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification. All data and identification information shall be compiled in duplicate with one set to be retained by the Department, and one set for the chief law enforcement official of the county of intended residence.

Any offender subject to the provisions of this section who changes his county of residence shall, in addition to notifying the Board of Probation and Parole, notify and register with the chief law enforcement official of the new county of residence within seven days after he changes his residence to that new county.

Failure by an offender to register with the new chief law enforcement official upon a change in the county of his residence shall be cause for revocation of the parole of the person except for good cause shown.

OFFENDER REGISTRATION

In addition, all sex offenders as defined by the federal Sex Offender Registration and Notification Act (SORNA), residing in Missouri must register in this state as sex offenders regardless of the dates of their convictions.

The following Missouri crimes qualify as registerable sex offenses under Missouri law, but not SORNA, if the sexual conduct was consensual and the **victim was an adult:**

- Promoting prostitution in the 2nd degree
- Promoting prostitution in the 3rd degree
- Incest
- Promoting Obscenity 1st degree
- Promoting Obscenity 2nd degree
- Public display of explicit sexual material
- Coercing acceptance of obscene material

If the victim was a minor for any of the noted offenses, the offense is registerable under SORNA, as it falls within the definition of specified offense against a minor.

If the victim was not a minor in the noted offense, the offender only has to register if they were convicted of the crime after the crime was added to the list of registerable offenses in Missouri.

Also required to register under Missouri law 589.400 RSMo:

1. Any person who, since January 1, 1995, has been committed to the department of mental health as a criminal psychopath.
2. Any person who, since January 1, 1995, has been found not guilty as a result of mental disease or defect of any offense listed in Section A above.
3. Any person who is a resident of this state and has been required or is required to register in any other state, foreign country or under federal or military jurisdiction is now required to register in Missouri.
4. Any Missouri resident who is required to register who works or attends school or training on a full-time or part-time basis in any other state shall be required to report in person and register with the chief local law enforcement official in the area of the state where they will be working or attending school or training. Part-time is defined as: more than fourteen days in any twelve month period (which does not have to be consecutive).

Any offender required to register shall be informed of their duty to register. They will be required to sign the Missouri Offender Registration Notification.

As an offender who is required to register per 589.400 RSMo, you must do the following:

☐ Register in person within 3 days of moving from one county to another county, city, town or village within this state, both with the chief law enforcement official of the county and the chief law enforcement official of the city in which you currently reside or in which you intend to reside upon your release from custody. Offenders residing in St. Louis City are required to register at the St. Louis City Police Department. The chief law enforcement officer of the county may charge the person for processing an initial sex offender registration a fee of up to ten dollars.

☐ Any time you change your residence or address within the same county, inform the chief law enforcement official in writing within three (3) days of the new address and phone number, if it has changed.

☐ Any time you change your residence or address to a different county, inform both the chief law enforcement official with whom you last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within 3 days of new address and phone number. The chief law enforcement official of the county may charge the person changing their registration a fee of five dollars for each change made after the initial registration for processing any change in registration required pursuant to 589.414 RSMo.

☐ Any person who officially changes their name shall inform the chief law enforcement official of the new name change within 3 days after the change is made.

The following offenders shall contact the county law enforcement agency every 90 days to verify the information contained in their registration statement:

☐ Any offender who was sentenced as a sexual predator or persistent sexual offender as defined in statute 558.018 RSMo.

☐ Any offender who does not meet all requirements of the registration law.

☐ Any offender required to register under Chapter 589, RSMo., where the victim was under the age of 18 years of age at the time of the offense.

Any person who is required to register and fails to meet any of the requirements of registration is guilty of a class A misdemeanor, unless the person has been convicted pursuant to Chapter 566 of an unclassified felony, class A felony, class B felony or any felony involving a child under the age of 14, in which case the person is guilty of a class D felony.

Any person who commits a second or subsequent violation is guilty of a class D felony, unless the person has been convicted pursuant to Chapter 566 of an unclassified felony, class A felony, class B felony or any felony involving a child under the age of 14, in which case the person is guilty of a class C felony.

SEX OFFENDER TREATMENT

According to RSMo 566.140 and 566.141, any person who has pled guilty to or has been found guilty of violating the provisions of Chapter 566 or any person who is

convicted of, or pleads guilty or nolo contendere to any sexual offense involving a child, shall be required as a condition of their probation or parole, to participate in an appropriate treatment program and may be charged a reasonable fee to cover the cost of such program.

To initiate treatment, your officer will provide a list of the approved sex offender treatment providers to you. You will be expected to contact the treatment provider to begin a treatment program and notify your officer of the arrangements agreed upon with the treatment provider, within a two-week time frame.

Refusal to participate in an approved treatment program will be considered a violation of your supervision. In addition, negative termination from treatment will be considered a violation of your supervision.

DNA TESTING

Per 650.055 RSMo, every individual convicted of a felony, or a sex offense under chapter 566 RSMo, shall have a scientifically accepted biological sample collected for purposes of DNA profiling analysis:

1. Upon entering the Department of Corrections' reception and diagnostic centers; or
2. Before release from a county jail or detention facility; or
3. If such individual is under the jurisdiction of the Department of Corrections. Such jurisdiction includes persons currently incarcerated and persons on probation and/or parole.

Any person required to provide a DNA sample shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri State Highway Patrol and the Department of Corrections.

OFFENDER VOTING RIGHTS AND COLLATERAL CONSEQUENCES OF CONVICTION

The following is a summary of state statutes regarding offender voting rights and further explains the loss and restoration of voting rights as well as certain consequences associated with receiving a felony conviction.

According to RSMo.115.113, no person shall be entitled to vote:

1. While confined under a sentence of imprisonment;
2. While on probation or parole after conviction of a felony, until finally discharged from such probation or parole;
3. After conviction of a felony or misdemeanor connected with the right of suffrage.

Probation cases where imposition of sentence is suspended are not considered convictions and, therefore, are not subject to the above mentioned disqualification.

Offenders who are only on probation for misdemeanors, that are not connected with the exercise of the right of suffrage, are allowed to vote.

According to 561.026 RSMo, a person who is convicted:

1. Of any crime shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment;
2. Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;
3. Of any felony shall be forever disqualified from serving as a juror.

WHAT DO I DO IF MY LOCAL PROBATION AND PAROLE OFFICE IS DESTROYED BY NATURAL DISASTER OR SOME OTHER CALAMITY?

In the event that your local Probation and Parole Office is destroyed or damaged to the point it is no longer operational, you will need to contact the Command Center in Jefferson City, Missouri at 1-888-869-3195 for reporting instructions. You must do this within 48 hours. The Command Center staff will be able to assist you in maintaining your good standing with Probation and Parole. It is very important that you make every effort to reestablish contact with your officer or some other designated staff member.

CONCLUSION

Your conditions of supervision are the set of rules which you and your probation and parole officer will use in working together to help you successfully complete your period of supervision. If you will form a close relationship with your probation and parole officer and can talk freely with him/her, then there can be a mutual feeling of trust and you should be able to follow these rules without much difficulty. You, your family and/or your employer need to discuss any problems that you might have that can affect your supervision or acceptance by the local community with your probation and parole officer.

Minor problems that are not discussed with your probation and parole officer almost always become serious problems. By then, it may be too late to do anything about these serious problems. It is the person who does not confide in his/her Officer and is not willing to discuss the problems that he/she is facing who usually ends up violating the conditions of supervision and being referred to the Court or the Parole Board for further action.

Remember, your probation and parole officer desires that you successfully complete your supervision. It is the officer's job to try to help you do so.